



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/914901

EXAMINER

M. Budd

ART UNIT	PAPER NUMBER
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2834

8

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) Mr Zborovsky (3) _____
(2) Mr Budd (4) _____

Date of Interview 11-20-07

Type: ☐ Telephonic ☒ Personal (copy is given to ☐ applicant ☒ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No If yes, brief description: _____

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: as amended 10-17-07

Identification of prior art discussed: All

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed

possible further amendments

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

M. BUDD
PRIMARY EXAMINER
ART UNIT 212

Manual of Patent Examining Procedures, Section 713.04 Substance of interview must be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

§1 133 Interviews

It is very important that the applicant be informed of the fact that the substance of any interview, if conducted, whether in person or by telephone, must be made of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

It is the responsibility of the examiner to inform the applicant of the fact that the substance of any interview, if conducted, whether in person or by telephone, must be made of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

The action of the Patent and Trademark Office should be based primarily on the written record of the interview, and not on the oral statements of the applicant or the examiner.

It is the responsibility of the applicant to inform the examiner of the substance of any interview, if conducted, whether in person or by telephone, and to make of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

Examiners must maintain a complete and accurate record of the substance of any interview, whether in person or by telephone, and must make of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

The substance of any interview, whether in person or by telephone, must be made of record in the application, whether or not in agreement with the examiner, and conducted at the interview.

The Form provides for recitation of the following information:

- Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed upon as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desirable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. When the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check that in the bottom of the Form, advising the applicant that he need not complete the Form by submitting a separate record of the substance of the interview.

It should be noted, however, that the examiner should not rely on the Form as a substitute for a complete and accurate record of the substance of the interview, and should not be lulled into a false sense of security by the Form.

A complete and accurate recitation of the substance of any interview should include at least the following applicable items:

1. A brief description of the subject matter of the interview.
2. An identification of the claims discussed.
3. An identification of the prior art discussed.
4. An identification of the arguments presented and the positions taken by the applicant and the examiner.
5. A brief description of the substance of the interview.
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Examiners are reminded that they should not rely on the Form as a substitute for a complete and accurate record of the substance of the interview, and should not be lulled into a false sense of security by the Form.

Examiner to Check for Accuracy

Appropriate supervision of what took place at the interview should be made to determine the accuracy of any argument or statement attributed to the applicant during the interview. It should be noted that the applicant is not permitted to make any statement or argument during the interview which is not supported by the evidence on file in the application.